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cases are in direct conflict and irreconcilable. The rule as approved in the present case is equitable and just while the latter doctrine seems to be founded upon considerations of mere convenience. *Pritchett v. Nashville Trust Co.*, 96 Tenn. 472.

CRIMINAL LAW—EVIDENCE—INSANITY—OPINIONS OF NON-EXPERTS.—BOYD V. STATE, 88 S. W. 974 (ARK.).—*Held*, that in a prosecution for murder, witnesses who have detailed the acts of defendant may properly state whether they considered him insane or not.

The question of the admissibility of such evidence has been much debated in this country. *Wigmore on Evidence*, Sec. 1993. It has been held in some states that such evidence by a non-expert is inadmissible even though based on his own knowledge of facts. *Com. v. Wilson*, 1 Gray 337; *Real v. People*, 42 N. Y. 270; *O'Brien v. People*, 48 Barb. 275. Other states have decided that the opinion of a witness, not an expert, is competent upon the question of the prisoner's sanity when such opinion is formed on facts within personal knowledge of the witness. *Genty v. State*, N. J. L. 482; *Chaice v. State*, 31 Ga. 424; *Jamison v. People*, 145 Ill. 357. The rule generally accepted by the weight of authority to-day is that a witness, who has had an opportunity of observing defendant may be asked, after stating facts within such observation whether from defendant's general appearance and conversation he was at the time of sound mind. *Wilkinson v. Pearson*, 23 Pa. St. 147; *Grant v. Thompson*, 4 Conn. 403; *Harrison v. Rowsan*, 3 Wash. C. C. 580; *Chaice v. State*, *supra*. But a non-expert witness will not be permitted to give mere opinions, disconnected from the facts on which such opinions are based. *Farrel v. Brenan*, 32 Mo. 328; *Eckert v. Flawry*, 43 Pa. St. 46. The tendency in some states is to confine such non-experts to a mere statement of facts. *Real v. People*, 42 N. Y, 270; *Gewike v. State*, 13 Tex. 568; *Caleb v. State*, 39 Miss. 722. Neither experts nor non-experts can be examined on conclusions of law. *State v. Klinger*, 46 Mo. 224.

EVIDENCE—EXPERT TESTIMONY—HYPOTHETICAL QUESTIONS.—HUMBER V. VILLAGE OF ITHACA, 105 N. W. 9 (MICH.).—*Held*, that a question to a physician, as to certain results being caused by an injury, which permitted him to use knowledge of the injured person's condition not embodied in the question, is unobjectionable if his conclusion is based upon conditions discovered by him and previously fully detailed to the jury.

When the testimony of an expert is based upon personal observation there are three rules applied in different courts. Hypothetical questions are in most courts held to be unnecessary. *State v. Foote*, 58 S. C. 218; *People v. Young*, 151 N. Y. 219; *Van Deusen v. Newcomer*, 40 Mich. 119. Some of these courts hold, however, that all the facts from which the conclusion is drawn must first be put in evidence as was done in this case. *Van Deusen v. Newcomer*, *supra*; *Louisville Etc. R. R. Co. v. Falvey*, 104 Ind. 419. And in rare cases the courts have required an advance hypothetical question. *Hitchcock v. Burgess*, 38 Mich. 507. The fallacy in the second class of cases is well illustrated in *Van Deusen v. Newcomer*, *supra.*, where the reason given for the rule is the alleged impossibility of testing such an opinion by calling other experts. There can be no such practical difficulty since all the facts upon which the opinion is based may be brought out in cross-examination. *Fuller v. The Mayor*, 92 Mich. 201.